



**Use this guide to help determine if your situation qualifies before contacting Community Development.
If you think a Variance might be appropriate, you may schedule a Pre-application meeting.**

APPLICATION REQUIREMENTS

Requesting a Variance is a fairly simple process. In addition to the standard information—applicant name, property address, and application fee, there are just a few additional items required to complete the application:

1. A written narrative explaining the request and a statement explaining how it meets the “findings” of hardship and burden (as outlined elsewhere in this brochure).
2. An accurate scale drawing of the site and any adjacent property affected, showing topography and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas. Seven copies of the site plan are required. In some cases, a Record of Survey may be required prepared by a Registered Land Surveyor.
3. A list of the names and addresses of all property owners within 300 feet of the property.

Additional information or plans may be required if necessary to enable a determination as to whether the circumstances prescribed for the granting of a Variance exist.

LEGAL NOTICE

A minimum of fifteen days prior to the Board of Adjustment hearing, the case is advertised in the Legal Notice section of the local newspaper, a sign containing a description of the proposal is posted on the property, and all neighboring property owners are notified by mail.

THE STAFF REPORT

About two weeks prior to the public hearing, staff prepares a report analyzing the request. The staff report is provided to the applicant within the week prior to the hearing.

The staff report generally includes a recommendation for approval or denial, and conditions which must be met. The applicant should be prepared to discuss the conditions at the hearing, so it may be beneficial to discuss with the staff planner in advance.

BOARD OF ADJUSTMENT HEARING

When the Board Chairman calls a case, the staff planner presents the report and staff recommendation. After the staff presentation, the applicant is invited to make a presentation and answer questions from the Board.

Following the applicant’s presentation, the Board Chair opens the hearing for public comments. Anyone with comments pertinent to the case will be heard. In reaching a decision, the Board considers the staff report as well as the presentation of the applicant, public testimony, and their own knowledge of the area.

The Board of Adjustment then acts on the application by approving the case with conditions as recommended by staff or as modified by the Board at the hearing, or they may deny the request. If the Board decides that more information is needed, they may continue the hearing on the case to a future date.

BOARD ACTION

The Board may grant a Variance as it was applied for or in modified form, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions.

A decision of the Board of Adjustment on a Variance shall be final thirty days after the date of the decision and upon receipt by the Community Development Department of a signed agreement to the conditions of approval, unless an appeal has been filed.

A decision of the Board of Adjustment on a Variance may be appealed within 30 days to Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807. An appellant should seek competent legal counsel to pursue an appeal in Superior Court.

REVOCATION OF A VARIANCE

A variance granted by the Board of Adjustment subject to conditions may be revoked if the applicant has not complied with the conditions. The decision of the Board revoking a Variance shall become effective fifteen days following the revocation unless an appeal has been filed.

Following the denial or revocation of a Variance application, no application for the same or substantially the same Variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the Variance.

“FINDINGS” FOR VARIANCE REQUESTS

Pursuant to Section 30.8 of the Coconino County Zoning Ordinance, the Board of Adjustment must make the following findings if it is to approve a Variance request:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.
3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
4. That the granting of the Variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone.
5. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.